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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,463	01/31/2001	Susan M. Janz	10003900-1	7071
22879	7590	10/28/2004		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER CASIANO, ANGEL L	
			ART UNIT 2182	PAPER NUMBER

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/773,463	Applicant(s) JANZ ET AL.	
	Examiner Angel L Casiano	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The present Office action is in response to Amendment dated 17 August 2004.
2. Claims 1-19 are pending.

***Specification***

3. Previous Objection to the Title has been overcome with the new title submitted in the present Amendment.

***Claim Rejections - 35 USC § 112***

4. Previous Rejections under 35 U.S.C. § 112, second paragraph have been overcome with the corrections filed in the present Amendment.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-10, and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klebanov [US 6,397,327 B1] in view of Pleso [US 6,009,480].

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Regarding claim 1, Klebanov teaches a method for modifying an index of fleet devices (see col. 2, lines 31-37; “registry”, “peripheral devices”). The prior art method teaches:

- (a) Discovering a modification action for the index (see “identified”; col. 2, line 35);
- (b) Discovering a fleet device for modification in the index (see col. 2, line 35); and,
- (c) Implementing the modification action in the index (see “modified”; col. 2, line 36).

As for step (d), Klebanov teaches *obtaining information relating to the device* and adding it to the index (registry file). However, this information is not disclosed as being “usage data”.

Regarding this limitation, Pleso teaches obtaining usage data from a device, more specifically information regarding resources needed by the device (see column 8, lines 20-29). One of ordinary skill in the art would have been motivated to combine the cited disclosures at the time of the invention in order to obtain reduced time consumption and effort by the user, by automatically obtaining usage data and resource information, without manual operation by the user, as taught by Pleso (see column 2, lines 33-36).

As for claim 2, Klebanov teaches removal of the fleet device from the index (see col. 2, line 37).

As for claim 4, Klebanov teaches removal of device from a registry (see col. 6, lines 61-62).

As for claim 5, Klebanov teaches addition of a fleet device to the index (see “registry”; Abstract).

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As for claim 6, Klebanov teaches addition of the fleet device (see “identified”, col. 2, line 35). In addition, the reference teaches the use of a *unique identifier* for the devices (see column 1, line 34).

As for claim 7, the Klebanov reference creates a record (“includes information”; col. 6, lines 22-23) for the fleet device, after addition.

As per claim 8, Klebanov teaches collecting data for the fleet device (see col. 6, lines 34-36).

Regarding claims 9-10 and 12-16, these are directed to the *system* for modifying an index of fleet devices. The cited combination of prior art teaches all the limitations corresponding to claims 1-2 and 4-8. These claims recite the method for modifying an index of fleet devices. Therefore, the prior art of record also teaches or suggests all the limitations corresponding to the *system* for *implementing* the method. Accordingly, claims 9-10 and 12-16 are rejected under the same rationale.

Regarding claim 17, Klebanov teaches the *instructions* to perform the method for modifying an index of fleet devices (see col. 2, lines 31-37; “registry”, “peripheral devices”). The prior art method discloses:

- (a) Discovering a modification action for the index (see “identified”; col. 2, line 35);
- (b) Discovering a fleet device for modification in the index (see col. 2, line 35); and,
- (c) Implementing the modification action in the index (see “modified”; col. 2, line 36).

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As for step (d), Klebanov teaches *obtaining information relating to the device* and adding it to the index (registry file). However, this information is not disclosed as being “usage data”. Regarding this limitation, Pleso teaches obtaining usage data from a device, more specifically information regarding resources needed by the device (see column 8, lines 20-29). One of ordinary skill in the art would have been motivated to combine the cited disclosures at the time of the invention for the reasons stated in the rejection of claim 1.

As for claim 18, Klebanov teaches removal of the fleet device from the index (see col. 2, line 37).

As for claim 19, Klebanov teaches addition of a fleet device to the index (see “registry”; Abstract).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klebanov [US 6,397,327 B1] in view of Pleso [US 6,009,480], in further view of Lecheler et al. [US 6,469,986 B1].

As per claim 3, the cited combination of prior art (Klebanov in view of Pleso) teaches a method where a fleet device is removed from an index. However, the art combination does not explicitly teach *capturing final usage data for the fleet device*. Regarding this limitation, Lecheler et al. teaches a management method where usage data is collected for a device, as part of a “performance poll” (see col. 5, line 67). In addition, the cited reference discloses a “configuration poll”, where *removal* of devices is determined. Accordingly, one of ordinary skill in the art would have been motivated to modify the combination of disclosures in order to collect information regarding errors, processor usage, memory usage and general performance (see col. 5, line 67; col. 6, lines 1-2). The new combination of references would have provided information on how devices had been used and their performance (see Lecheler et al., col. 5, lines 62-63) in the cited step of *device removal*.

Regarding claim 11, this is directed to the *system* for modifying an index of fleet devices. The combination of prior art teaches all the limitations corresponding to claim 3. This claim recites the method for modifying an index of fleet devices. Therefore, the prior art of record also teaches all the limitations corresponding to the *system* for *implementing* the method. Accordingly, claim 11 is rejected under the same rationale.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:00 pm.

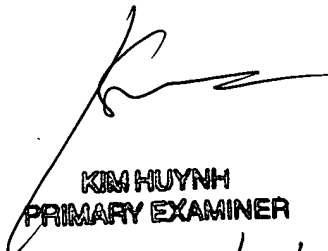
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc  
20 October 2004.



KIM HUYNH  
PRIMARY EXAMINER  
10/26/04